

E AND R AMENDMENTS TO LB 677

Introduced by Larson, 40, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 28-308, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 28-308 (1) A person commits the offense of assault in the
6 first degree if he or she intentionally or knowingly causes serious
7 bodily injury to another person.

8 (2) Assault in the first degree shall be a Class II
9 felony. A person who commits assault in the first degree on a
10 health care professional while the health care professional is
11 engaged in the performance of his or her official duties at a
12 hospital or a health clinic shall upon conviction be sentenced to
13 not less than two years' imprisonment.

14 Sec. 2. Section 28-309, Revised Statutes Cumulative
15 Supplement, 2010, is amended to read:

16 28-309 (1) A person commits the offense of assault in the
17 second degree if he or she:

18 (a) Intentionally or knowingly causes bodily injury to
19 another person with a dangerous instrument;

20 (b) Recklessly causes serious bodily injury to another
21 person with a dangerous instrument; or

22 (c) Unlawfully strikes or wounds another (i) while
23 legally confined in a jail or an adult correctional or penal

1 institution, (ii) while otherwise in legal custody of the
2 Department of Correctional Services, or (iii) while committed as a
3 dangerous sex offender under the Sex Offender Commitment Act.

4 (2) Assault in the second degree shall be a Class III
5 felony. A person who commits assault in the second degree on a
6 health care professional while the health care professional is
7 engaged in the performance of his or her official duties at a
8 hospital or a health clinic shall upon conviction be sentenced to
9 not less than one year's imprisonment.

10 Sec. 3. Section 28-310, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 28-310 (1) A person commits the offense of assault in the
13 third degree if he:

14 (a) Intentionally, knowingly, or recklessly causes bodily
15 injury to another person; or

16 (b) Threatens another in a menacing manner.

17 (2) Assault in the third degree shall be a Class I
18 misdemeanor unless committed in a fight or scuffle entered into by
19 mutual consent, in which case it shall be a Class II misdemeanor.

20 (3) A person who commits assault in the third degree on
21 a health care professional while the health care professional is
22 engaged in the performance of his or her official duties at a
23 hospital or a health clinic shall upon conviction be sentenced to
24 not less than six months' imprisonment.

25 Sec. 4. For purposes of sections 28-308, 28-309, and
26 28-310 and section 5 of this act:

27 (1) Health care professional means a physician or other

1 health care practitioner who is licensed, certified, or registered
2 to perform specified health services consistent with state law who
3 practices at a hospital or a health clinic;

4 (2) Health clinic has the definition found in section
5 71-416; and

6 (3) Hospital has the definition found in section 71-419.

7 Sec. 5. Every hospital and health clinic shall display at
8 all times in a prominent place a printed sign with a minimum height
9 of twenty inches and a minimum width of fourteen inches, with each
10 letter to be a minimum of one-fourth inch in height, which shall
11 read as follows:

12 WARNING: ASSAULTING OR THREATENING IN A MENACING MANNER A
13 HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS
14 OR HER OFFICIAL DUTIES WILL RESULT IN MANDATORY IMPRISONMENT.

15 Sec. 6. Original section 28-310, Reissue Revised Statutes
16 of Nebraska, and sections 28-308 and 28-309, Revised Statutes
17 Cumulative Supplement, 2010, are repealed.

18 2. On page 1, line 5, strike "provider" and insert
19 "professional" and strike "a term" and insert "terms".